

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Equifax, Inc. Customer
Data Security Breach Litigation

MDL Docket No. 2800
No. 1:17-md-2800-TWT

This document relates to:
ALL CASES

Chief Judge Thomas W. Thrash, Jr.

[PROPOSED] CASE MANAGEMENT ORDER NO. 3

On January 10, 2018, the Court entered Case Management Order No. 2 (ECF No. 87, “CMO-2”), governing various matters in this multidistrict proceeding until leadership appointments could be made. On February 9, 2018, the Court conducted a hearing on the Plaintiffs’ leadership applications for the Consumer Cases and the Financial Institution Cases and, on February 12, 2018, appointed a leadership structure on behalf of Plaintiffs in both tracks. By agreement of all counsel and for good cause shown, the Court amends certain provisions of CMO-2 as follows:

(1) Service of Complaints and Response Time.

The Parties agree and the Court orders that, for all current and future cases

filed in the Northern District of Georgia and transferred to this MDL, service of the complaints is deemed to be accepted and Defendant waives any and all service defects without any further process or request for waiver necessary on Plaintiffs' part. Defendant is not waiving any defense other than insufficient process and insufficient service of process (Rules 12(b)(4) and (5) of the Federal Rules of Civil Procedure), and Defendant expressly reserves all other defenses, including but not limited to any and all defenses related to jurisdiction and venue. Pursuant to CMO-2, Defendant's time to respond to any individual complaint is hereby suspended without date. Further in accordance with CMO-2, Plaintiffs will file their respective Master Consolidated Amended Complaints, which will supersede all earlier filed individual complaints, and Defendant's time to respond to such Master Consolidated Amended Complaints will be subject to the schedule set forth in section (2) below.

(2) Master Complaints for Each Track and Briefing on Rule 12(b) Motions.

To facilitate handling of the litigation, the Court directs that Plaintiffs file Master Consolidated Amended Complaints in each track and that briefing on motions to dismiss such Complaints proceed separately according to the following schedule:

<u>Event</u>	<u>Consumer Track Deadline</u>	<u>Fin. Institutions Track Deadline</u>
Filing Master Complaints	May 13, 2018	May 30, 2018
Rule 12(b) motions	June 27, 2018	July 16, 2018
Plaintiffs' oppositions	August 13, 2018	August 30, 2018
Defendant's replies	September 12, 2018	October 1, 2018

(3) Communications with Putative Class Members.

In accordance with Local Rule 23.1(C)(2), the parties have met and conferred regarding whether proper management of the case or the interests of putative class members require the entry of an order limiting communications with putative class members. The parties are continuing to meet and confer and will report to the Court prior to the April 3, 2018 status conference as to whether they believe an order from the Court on this topic is necessary.

(4) CM/ECF Registration.

Pursuant to Case Management Order No. 1 ("CMO-1"), the Court has previously ordered all attorneys participating in this MDL proceeding to register with the Court's CM/ECF system. (Doc. No. 23, ¶ 1(b)). Having now completed the Initial Conference and appointed leadership, the Court orders that electronic

service of documents via the Court's CM/ECF system satisfies the obligations of service. Hereafter, unless otherwise ordered, neither the clerk's office nor counsel for the parties shall be obligated to provide service copies of any filings or related orders by U.S. Mail or any other means to attorneys who have not registered with the Court's CM/ECF system.

(5) Proposed Discovery Plan and Schedule.

The parties have exchanged drafts of a discovery plan under Rule 26(f), as well as a suggested schedule under Rule 16(b) for joinder of parties, consideration of any class action allegations, motions, and trial, and have begun the meet and confer process regarding those documents. The parties will present the Court with a discovery plan and proposed schedule by March 23, 2018.

(6) Other Provisions.

The parties shall adhere to all other aspects of CMO-1 and CMO-2. A Status Conference shall be conducted on April 3, 2018 at 10:00 a.m. EST in Courtroom 2108, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303. Liaison Counsel shall be responsible for making arrangements for others to monitor the conference by telephone. Pursuant to CMO-2, the parties shall continue to submit a joint agenda listing all matters to be considered no later than 2:00 p.m. two days before each status conference.

(7) Related *Pro Se* Cases.

The parties are aware of 20 *pro se* cases pending in the Northern District of Georgia which assert claims against Equifax relating to the data security incident. A list of the pending *pro se* cases is attached as Exhibit A. Some of these cases were originally filed in this Court, and others have been transferred to this Court by the JPML for consolidated or coordinated proceedings with the related actions in the MDL. Consistent with section (1) above, Defendant's time to respond to any individual complaint in the cases listed on Exhibit A, or in any other *pro se* cases that may be included in this proceeding, is suspended without date.

DATED: March 14, 2018

/s/ Amy E. Keller

Amy E. Keller
DiCELLO LEVITT & CASEY LLC
Ten North Dearborn Street
Eleventh Floor
Chicago, Illinois 60602
Tel. 312.214.7900
akeller@dlcfirm.com

Kenneth S. Canfield
Ga Bar No. 107744
DOFFERMYRE SHIELDS
CANFIELD & KNOWLES, LLC
1355 Peachtree Street, N.E.
Suite 1600
Atlanta, Georgia 30309
Tel. 404.881.8900
kcanfield@dsckd.com

Norman E. Siegel
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112
Tel. 816.714.7100
siegel@stuevesiegel.com

Consumer Plaintiffs' Co-Lead Counsel

Roy E. Barnes
Ga. Bar No. 039000
BARNES LAW GROUP, LLC
31 Atlanta Street
Marietta, Georgia 30060
Tel. 770.227.6375
roy@barneslawgroup.com

David J. Worley
Ga. Bar No. 776665
EVANGELISTA WORLEY LLC
8100A Roswell Road Suite 100
Atlanta, Georgia 30350
Tel. 404.205.8400
david@ewlawllc.com

***Consumer Plaintiffs' Co-Liaison
Counsel***

Andrew N. Friedman
**COHEN MILSTEIN SELLERS &
TOLL PLLC**
1100 New York Avenue, NW
Suite 500
Washington, D.C. 20005
Tel. 202.408.4600
afriedman@cohenmilstein.com

Eric H. Gibbs
GIRARD GIBBS LLP
505 14th Street
Suite 1110
Oakland, California 94612
Tel. 510.350.9700
ehg@classlawgroup.com

James Pizzirusso
HAUSFELD LLP
1700 K Street NW Suite 650
Washington, D.C. 20006
Tel. 202.540.7200
jpizzirusso@hausfeld.com

Ariana J. Tadler
**MILBERG TADLER PHILLIPS
GROSSMAN LLP**
One Penn Plaza
19th Floor
New York, New York 10119
Tel. 212.594.5300
atadler@milberg.com

John A. Yanchunis
**MORGAN & MORGAN COMPLEX
LITIGATION GROUP**
201 N. Franklin Street, 7th Floor
Tampa, Florida 33602
Tel. 813.223.5505
jyanchunis@forthepeople.com

William H. Murphy III
MURPHY, FALCON & MURPHY
1 South Street, 23rd Floor
Baltimore, Maryland 21224
Tel. 410.539.6500
hassan.murphy@murphyfalcon.com

Jason R. Doss
Ga. Bar No. 227117
THE DOSS FIRM, LLC
36 Trammell Street, Suite 101
Marietta, Georgia 30064
Tel. 770.578.1314
jasondoss@dossfirm.com

***Consumer Plaintiffs' Steering
Committee***

Rodney K. Strong
GRIFFIN & STRONG P.C.
235 Peachtree Street NE, Suite 400
Atlanta, Georgia 30303
Tel. 404.584.9777
rodney@gspclaw.com

*Consumer Plaintiffs' State Court
Coordinating Counsel*

-and-

/s/ Joseph P. Guglielmo (w/ permission)
Joseph P. Guglielmo
**SCOTT+SCOTT ATTORNEYS AT
LAW LLP**
230 Park Avenue, 17th Floor
New York, New York 10169
Tel. 212.223.6444
jguglielmo@scott-scott.com

Gary F. Lynch
**CARLSON LYNCH SWEET KILPELA
& CARPENTER, LLP**
1133 Penn Avenue, 5th Floor
Pittsburgh, Pennsylvania 15222
Tel. 412.322.9243
glynch@carsonlynch.com

*Financial Institution Plaintiffs' Co-Lead
Counsel*

Craig A. Gillen
GILLEN WITHERS & LAKE, LLC
3490 Piedmont Road, N.E.
One Securities Centre, Suite 1050
Atlanta, Georgia 30305
Tel. 404.842.9700
cgillen@gwllawfirm.com

MaryBeth V. Gibson
THE FINLEY FIRM, P.C.
3535 Piedmont Road
Building 14, Suite 230
Atlanta, Georgia 30305
Tel. 404.320.9979
mgibson@thefinleyfirm.com

Ranse Partin
CONLEY GRIGGS PARTIN LLP
4200 Northside Parkway
Building One, Suite 300
Atlanta, Georgia 30327
Tel. 404.572.4600
ranse@onleygriggs.com

***Financial Institution Plaintiffs' Co-Liaison
Counsel***

Arthur M. Murray
MURRAY LAW FIRM
650 Poydras Street, Suite 2150
New Orleans, Louisiana 70130
Tel. 504.525.8100
amurray@murray-lawfirm.com

Stacey P. Slaughter
ROBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, Minnesota 55402
Tel. 612.349.8500
sslaughter@robinskaplan.com

Charles H. Van Horn
BERMAN FINK VANHORN P.C.
3475 Piedmont Road, Suite 1100
Atlanta, Georgia 30305
Tel. 404.261.7711
cvanhorn@bfvlaw.com

Allen Carney
CARNEY BATES & PULLIAM, PLLC
519 W. 7th Street
Little Rock, Arkansas 72201
Tel. 501.312.8500
acarney@cbplaw.com

Bryan L. Bleichner
CHESTNUT CAMBRONNE PA
17 Washington Avenue North
Suite 300
Minneapolis, Minnesota 55401
Tel. 612.339.7300
bbleichner@chestnutcambronne.com

Karen Hanson Riebel
**LOCKRIDGE GRINDAL NAUEN
P.L.L.P.**
100 Washington Ave. S., Suite 2200
Minneapolis, Minnesota 55401
Tel. 501.812.5575
khriebel@locklaw.com

Karen S. Halbert
ROBERTS LAW FIRM, PA
20 Rahling Circle
P.O. Box 241790
Little Rock, Arkansas 72223
Tel. 501.821.5575
karenhalbert@robertslawfirm.us

Brian C. Gudmundson
ZIMMERMAN REED LLP
1100 IDS Center, 80 South 8th Street
Minneapolis, Minnesota 55402
Tel. 612.341.0400
brian.gudmunson@zimmreed.com

***Financial Institution Plaintiffs' Steering
Committee***

-and-

/s/ S. Stewart Haskins II (w/ permission)

KING & SPALDING LLP

David L. Balser

Georgia Bar No. 035835

Phyllis B. Sumner

Georgia Bar No. 692165

S. Stewart Haskins II

Georgia Bar No. 336104

Elizabeth D. Adler

Georgia Bar No. 558185

John C. Toro

Georgia Bar No. 175145

1180 Peachtree Street, N.E.

Atlanta, Georgia 30309

Tel.: (404) 572-4600

Fax: (404) 572-5140

dbalser@kslaw.com

psumner@kslaw.com

shaskins@kslaw.com

eadler@kslaw.com

jtoro@kslaw.com

Counsel for Equifax Inc.

SO ORDERED, this ____ day of March, 2018.

Thomas W. Thrash
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with this Court via its CM/ECF service, which will send notification of such filing to all counsel of record this 14th day of March 2018.

/s/ Amy E. Keller
Amy E. Keller